Connell Foley LLP 85 Livingston Avenue Roseland, New Jersey 07068 (973) 535-0500 Attorneys For Plainti C. Wingate CECETYED -CLATO U.S. MATMICT COUNT

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Attorneys For Plaintiff, Wingate Inns International, Inc.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

WINGATE INNS INTERNATIONAL, INC., a Delaware Corporation,

Plaintiff,

v.

COMMACK HOSPITALITY, LLC, a Virginia Corporation, NILESH PATEL, an individual, SUDHA PATEL, an individual, MEENAKSHI individual, BHARGAVA, an MADAN BHANDARI, an individual, LOVE KUMAR, an individual, AMIT PATEL, an individual, VARSHA DESAI, an individual, CHANDRA KHURANA, an individual, NEENA SHAH, an individual, SUNITA SHAH, an individual, BIPAN CHODAY, an individual, PARAMJIT SINGH, an individual, NIKUR AMIN, an individual, VIRAL PATEL, an individual, PATEL LIVING TRUST, a Virginia Trust, and HOLDING CORP., a Virginia ADAcorporation, Defendants.

Civil Action No.: 05-1384 (JAP)

NOTICE OF DISMISSAL WITH PREJUDICE

PLEASE TAKE NOTICE that, pursuant to FRCP § 41(A)(1), the above action is hereby dismissed, with prejudice and without costs.

CONNELL, FOLEY LLP

Attorneys for Plaintiff

Wingate Inns International, Inc.

BY

BRYAN P. COUCH

Dated: May 11, 2005

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